

## Message Text

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ORIGIN NASA-02

INFO OCT-01 AF-04 ISO-00 OES-03 L-02 CIAE-00 INR-05

NSAE-00 RSC-01 DODE-00 SS-15 NSC-05 PM-03 ACDA-05

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SCI/SAS:MR VOGT

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P 132200Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE PRIORITY

C O N F I D E N T I A L STATE 274015

E.O.11652:GDS

TAGS: TSPA

SUBJECT: NASA STATION NEGOTIATIONS

REF: A. TANANARIVE 1787; B. TANANATIVE 1793; C. TANANARIVE 1811;

D. TANANARIVE 1812; E. TANANARIVE 1816

1. APPRECIATE REFTEWS. NASA AND DEPARTMENT CONTINUE TO HAVE DIFFICULTIES WITH PROPOSED ENGLISH TEXT INTERGOVERNMENTAL AGREEMENT WHICH WE ADDRESS IN DETAIL BELOW. WE DO NOT PLAN COMPARISON WITH FRENCH TEXT UNTIL SUBSTANCE OF ENGLISH TEXT AGREED. LIKEWISE THIS CABLE WILL NOT ADDRESS PROPOSED TEXT OF INTERAGENCY LEVEL AGREEMENT. WE NOTE COMMENT THAT DPT MAY ITSELF ATTEMPT REDRAFT BASED ON CONFIDENTIAL

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RECENT VISIT TO STATION OF RAPIERA. NASA FEELS ATTEMPT

TO MODIFY PRESENT TEXT NOT PRODUCTIVE. NASA PREPARING  
TOTAL NEW VERSION OF INTERAGENCY AGREEMENT WHICH WE PLAN TO  
COMPLETE WITHIN TWO WEEKS.

2. ALTHOUGH NASA AND DEPT CONTINUE TO HAVE MINOR PROBLEMS  
WITH DRAFT INTERGOVERNMENTAL TEXT, WE ARE ENCOURAGED BY  
TONE OF REFS A & B AND CONSTRUCTIVE ATTITUDE TAKEN BY COMR IN LAST  
NEGOTIATION SESSION. WE BELIEVE THAT COMPROMISES SHOULD BE  
POSSIBLE IN MOST CASES AND WOULD HOPE BY END OF NEXT  
NEGOTIATING SESSION TO REACH GENERAL AGREEMENT ON DRAFT  
TEXT. IF THIS POSSIBLE, REQUEST EMBASSY AT THAT TIME FOR-  
WARD FOR FINAL REVIEW AND APPROVAL FULL ENGLISH AND FRENCH  
TEXTS OF AGREEMENT.

3. FOLLOWING KEYED TO YOUR NUMBERED PARAS. REF. B:

1(B). AGREE TO REVISED VERSION OF FIRST SENTENCE  
ARTICLE 5 PROVIDED WORD QUOTE TIMELY UNQUOTE INSERTED PRIOR  
TO QUOTE...AVAILABLE LOCALLY ...UNQUOTE. PURPOSE OF CHANGE  
TO PROTECT US AGAINST DILATORY ACTIONS THAT COULD AFFECT  
STATION OPERATIONS.

1(C) AND 1(D). WE STILL HAVE PROBLEMS WITH DISTINCTIONS  
BEING DRAWN BETWEEN ARTICLES 5 AND 6 CONCERNING LOCAL PRO-  
CUREMENT AND THOSE ITEMS SUBJECT TO IMPORT DUTIES, ETC...  
NASA IS WILLING TO AGREE TO LOCAL PROCUREMENT OF GOODS,  
SUPPLIES, MATERIALS AND SERVICES WHEN THESE ARE READILY  
AVAILABLE LOCALLY AT REASONABLE COSTS. THERE ARE HOWEVER  
SOME ITEMS (NOT CATEGORIZED AS SCIENTIFIC OR TECHNICAL  
MATERIAL, EQUIPMENT OR SUPPLIES) WHICH NASA WOULD STILL WISH  
TO IMPORT WITHOUT DUTIES BEING LEVIED SUCH AS VEHICLES, (BUSES, LAND  
ROVERS, CRANES, ETC...) AND OTHER ITEMS SUCH AS REPAIR PARTS  
AND SUPPORTING FACILITY SUPPLIES (MUFFLERS, WELDING SUPPLIES,  
MEDICINES, INSECTICIDES, ETC).

GOMR PROPOSED SENTENCE IN ARTICLE 5 ON RE-EXPORTATION CAUSES  
US EVEN GREATER PROBLEMS. AS PROVIDED FOR IN ARTICLE 6 AND  
ELSEWHERE, ANY ITEM USED AND DISPOSED OF IN MADAGASCAR EXCEPT  
BY GIFT TO GOMR IS SUBJECT TO IMPORT DUTIES AT THE TIME THAT  
SUCH DISPOSITION IS MADE. NASA WOULD FIND IT DIFFICULT TO  
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JUSTIFY PAYING SUCH DUTIES ON ANY IMPORTED ITEMS WHICH WERE  
DESTINED FOR EVENTUAL RE-EXPORT OR DISPOSITION BY DONATION  
TO GOMR, EVEN IF NOT SCIENTIFIC (SUCH AS TRUCKS). THIS SENTENCE  
IN PRESENT FORM RELATED TO IMPORTS UNACCEPTABLE.

IT MIGHT APPEAR CLEARER IF ARTICLE 5 COULD  
RELATE SOLELY TO NASA'S QUOTE BEST EFFORTS UNQUOTE TO PROCURE  
LOCALLY ALL AVAILABLE EQUIPMENT, SUPPLIES, ETC... AND ARTICLE

6 RELATE TO ALL REPEAT ALL IMPORTED GOODS WHICH EXCEPT IN CASES OF LOCAL DISPOSITION OTHER THAN TO GOMR WOULD NOT BE SUBJECT TO IMPORT DUTIES. IN THIS CASE THE RE-EXPORT CLAUSE IN ARTICLE 5 WOULD NOT BE APPROPRIATE AS SUBJECT ALREADY COVERED IN ARTICLE 6. NASA ALSO HAS PROBLEMS WITH WORD QUOTE TEMPORARILY UNQUOTE IN ARTICLE 6 IF THIS IS INTENDED TO REFER TO TIME FACTOR SUCH AS A YEAR, RATHER THAN TO ITS EVENTUAL DISPOSITION THROUGH RE-EXPORT OR DONATION TO GOMR. WE WOULD PREFER DELETION OF WORD QUOTE TEMPORARILY UNQUOTE BUT AT A MINIMUM REQUEST CLARIFICATION OF TERM BEFORE WE COULD ACCEPT IT AS WRITTEN.

WE ARE AWARE THAT CHANGES SUGGESTED ABOVE FOR ARTICLE 5 AND 6 CHANGE MEANING AND SUBSTANCE SOMEWHAT OF GOMR LANGUAGE. OUR REVISED APPROACH ABOVE IS EFFORT TO CLARIFY AND SIMPLIFY SITUATION REGARDING ITEMS SUBJECT TO IMPORT DUTIES. IF THIS NOT ACCEPTABLE TO GOMR, WE WOULD BE ABLE TO ACCEPT LANGUAGE IN PARA 5 WHICH SPELLED OUT IN GENERAL CATEGORIES ITEMS INCLUDED IN TAXABLE CATEGORIES REALIZING THAT ITEMS EXCLUDED INCLUDE NOT ONLY SCIENTIFIC AND TECHNICAL GOODS AND SERVICES BUT OTHERS WHICH ARE NONETHELESS NEEDED FOR EFFICIENT OPERATION OF STATION. RE-EXPORT CLAUSE WOULD HAVE TO BE ELIMINATED.

1(E) WE ASSUME THAT THE ADMINISTRATIVE DIRECTOR IS QUOTE APPOINTED BY UNQUOTE POSTS AND TELECOMMUNICATIONS RATHER THAN QUOTE OF UNQUOTE. ALTHOUGH IT IS CONCEIVABLE HE IS ONE AND THE SAME, IT SEEMS UNLIKELY. PLEASE CLARIFY THIS WITH GOMR.

1(F). NO PROBLEMS

1(G). NASA CONTINUES TO QUESTION NEED FOR PRIOR 30 DAY AGREEMENT OF GOMR. WOULD APPRECIATE EMBASSY SOLICITING GOMR ANSWERS OR REACTIONS TO FOLLOWING: IS NOT VISA ISSUANCE CONFIDENTIAL

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SUFFICIENT NOTICE OR APPROVAL BY GOMR? IF ADDITIONAL APPROVAL NEEDED, BY WHOM? AND WHAT IS THE PROCEDURE TO OBTAIN IT?

IF GOMR CONTINUES TO REQUIRE 30 DAY NOTICE (NOTICE NOT APPROVAL) NASA COULD ACCEPT LANGUAGE WHICH CHANGED PRIOR AGREEMENT TO NOTICE AND PROVIDED WORD QUOTE TECHNICAL UNQUOTE INSERTED BEFORE QUOTE DIRECTOR OF THE STATION UNQUOTE. PURPOSE IS TO ASSURE THAT IT IS NASA NOT DPT WHICH DETERMINES URGENCY OF OPERATIONS SITUATION.

1(H). NO PROBLEMS.

1(I). ALTHOUGH WE WOULD PREFER ORIGINAL LANGUAGE AND SEPARATE PARAGRAPH TO HANDLE "APPROPRIATED FUNDS" CLAUSE, WE ARE PREPARED TO ACCEPT GOMR REVISION. HOWEVER, OUR ACCEPTANCE IN THIS

CASE SHOULD BE USED AS BARGAINING TOOL IN DISCUSSIONS  
RE ARTICLES 5 AND 6. WE DO NOT WISH TO GIVE AWAY  
POSITION FOR NOTHING IN RETURN.

4. AMBASSADOR MENDENHALL HAS DISCUSSED NEGOTIATIONS  
WITH NASA OFFICIALS AND CONCURS IN THIS CABLE. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NEGOTIATIONS, INTERGOVERNMENTAL COOPERATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** boyleja  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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**Drafter:** BGGARNER  
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**Film Number:** D740363-0403  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741235/aaaabebe.tel  
**Line Count:** 175  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN NASA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
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**Subject:** NASA STATION NEGOTIATIONS  
**TAGS:** TSPA, NASA  
**To:** TANANARIVE  
**Type:** TE  
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